

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

RICHARD B. KING, JR., ET AL

CIVIL ACTION NO. 10-cv-1774

VERSUS

JUDGE STAGG

TAMMY R. MARTIN, ET AL

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

The original complaint describes Plaintiffs as residents of Louisiana; Defendants are described as persons whose address is in Arkansas. Later submissions, such as the Rule 26 report (Doc. 27) describe Defendants as residents of Arkansas and Canada. It does not appear the amended complaint, answer, or other pleadings contain any additional information about the citizenship of the parties.

It is domicile rather than mere residency that decides citizenship for diversity purposes, and “[i]t is well established that an allegation of residency does not satisfy the requirement of an allegation of citizenship.” Great Plains Trust Co. v. Morgan Stanley, 313 F.3d 305, 310 n. 2 (5th Cir. 2002), quoting Strain v. Harrelson Rubber Co., 742 F.2d 888 (5th Cir. 1984). A person may be a resident of multiple states, but he has only one domicile that determines his citizenship for diversity jurisdiction purposes.

Plaintiffs, as the parties invoking diversity jurisdiction, have the burden of alleging facts that establish a factual basis for its exercise. It is critical that the facts necessary to establish jurisdiction be specifically alleged in the district court record to avoid risk that the

parties might see the case thrown out on appeal when it is too late to amend the pleadings.

See Howery v. Allstate Ins. Co., 243 F.3d 912, 919-20 (5th Cir. 2001).

To ensure that this record is complete with respect to diversity jurisdiction, Plaintiffs are directed to file a motion for leave to amend their complaint and allege with specificity the state or foreign country in which each party is domiciled and, therefore, a citizen. If the necessary information has already been provided, Plaintiffs may, in the alternative, point to where the information is located in the record. The deadline for compliance with this order is **January 7, 2013**.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 30th day of November, 2012.



MARK L. HORNSBY
UNITED STATES MAGISTRATE JUDGE